

SUMMARY SHEET
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
March 8, 2007

_____ ACTION/DECISION

 X INFORMATION

- I. **TITLE:** Administrative and Consent Orders issued by Environmental Quality Control ("EQC").
- II. **SUBJECT:** Administrative and Consent Orders issued during the period January 1 – January 31, 2007.
- III. **FACTS:** For the period January 1, 2007 through January 31, 2007 EQC issued fifty-six (56) Consent Orders with total assessed civil penalties in the amount of \$241,279.00.

Unless otherwise specified, "Previous Orders" as listed in this report include orders issued by Environmental Quality Control programs within the last five (5) years.

<u>Bureau</u>	<u>Administrative Orders</u>	<u>Assessed Penalties</u>	<u>Consent Orders</u>	<u>Assessed Penalties</u>
Land & Waste Management				
Hazardous Waste	0	\$ 0	1	\$ 21,000.00
Solid Waste	0	0	12	10,260.00
<u>UST Program</u>	<u>0</u>	<u>0</u>	<u>16</u>	<u>26,150.00</u>
SUBTOTAL	0	0	29	\$ 57,410.00
Water				
Drinking Water	0	\$ 0	5	\$ 4,505.00
<u>Water Pollution</u>	<u>0</u>	<u>\$ 0</u>	<u>14</u>	<u>115,364.00</u>
SUBTOTAL	0	\$ 0	19	\$ 119,869.00
<u>Air Quality</u>				
SUBTOTAL	0	\$ 0	8	\$ 64,000.00
TOTAL	0	0	56	\$ 241,279.00

ANALYSIS: During the reporting period, Underground Storage Tank Enforcement entered into a Consent Order with Respondent, William E. Barker, III d.b.a. Sunshine Convenience Mart. The Respondent owns and operates the underground storage tanks located in Conway, South Carolina. Violations of the South Carolina Underground Storage Tank Control Regulations include: introduction of petroleum products into an underground storage tank without a current and valid registration; failure to investigate and confirm a suspected release; and failure to inspect the corrosion protection system every three years. All violations have

been corrected. The suspected release was investigated and did not result in a release of petroleum product to the environment. A civil penalty in the amount of ten thousand seven hundred dollars (\$10,700.00) was assessed and will be paid in quarterly installments over the next twelve months.

Five of the twelve Consent Orders issued by Solid Waste Enforcement were for the operation and unlawful open dumping of construction, demolition, and land clearing debris at an unpermitted landfill located at 3171 Bethel Church Road, Prosperity, South Carolina (Site). Claude Lake Dominick (Respondent) was the operator of the unpermitted landfill. The Respondent must cover the Site with a two foot thick cap of clean soil, seed to establish a vegetative cover and to pay a stipulated penalty in the amount of ten thousand dollars (\$10,000.00) should he fail to meet any requirement of the Order. Randy Moore; Thaddeus Everett Mays, Registered Agent, Mays Contracting LLC; Lee Donald Chappell, Chappell & Associates Construction, LLC; and Thomas Dominick Chappell, Registered Agent, Chappell & Associates Construction, LLC (Respondents) unlawfully open dumped construction, demolition and land-clearing debris at the Site. Each Respondent must pay a stipulated penalty in the amount of ten thousand dollars (\$10,000.00) if solid waste is disposed of unlawfully in the future.

Water Pollution Enforcement entered into a Consent Order and a Consent Order of Dismissal with Respondent, Shoals of Anderson, Inc. The Respondent owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF). The Consent Order was issued for violations of the Pollution Control Act Permit Regulations. Violations include: failure to comply with the effluent discharge limits for ammonia-nitrogen, biochemical oxygen demand, total suspended solids, and fecal coliform bacteria; placed a new disinfection system into operation with prior approval from the Department; and failure to submit an administratively complete discharge monitoring report. The Respondent must sell and transfer ownership of the WWTF and pay a suspended penalty in the amount of thirty-four thousand dollars (\$34,000.00) if he fails to meet any requirement of the order. The Consent Order of Dismissal was issued for the following violations of the Pollution Control Permit Regulations: failure to properly operate and maintain the WWTF and failure to submit and administratively complete discharge monitoring reports. This Order settles a previous Administrative Order against the Respondent and assessed a civil penalty in the amount of three thousand four hundred dollars (\$3,400.00) was assessed. The civil penalty is to be paid in quarterly installments and the first installment of the civil penalty has been paid.

Of the fifty-six (56) Consent Orders issued by EQC enforcement programs during the reporting period, (55) have either complied with the Order requirements or are currently in compliance with schedules required in those Orders.

Submitted by:

Robert W. King, Jr., P.E.
Deputy Commissioner
Environmental Quality Control